

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: District of Columbia

| Citation | Condition or Requirement |
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REQUIREMENT FOR ADVANCE DIRECTIVES UNDER STATE PLANS FOR MEDICAL ASSISTANCE

The following is a written description of the law of the District of Columbia (whether statutory or as recognized by the courts) concerning advance directives.

The District of Columbia recognizes certain options for making health care decisions for the future, including decisions about treatment needed to sustain life. These options are: declarations or living wills and powers of attorney for health care (often called "durable powers of attorney").

1. Declaration or Living Will-D.C. Code §7-622

Any person 18 years or older may execute a declaration directing the withholding or withdrawal of life-sustaining procedures from themselves should they be in a terminal condition. The declaration must be: 1) in writing; 2) signed by the person making the declaration or by another person in the declarant's presence at the declarant's express direction; 3) dated; and 4) signed in the presence of two or more witnesses at least 18 years of age.

2. Durable Power of Attorney for Health Care-D.C. Code §21-2205

A power of attorney for health care (often called a "durable power of attorney") is a legal document that allows a competent adult to designate, in writing, an individual to make health care decisions on behalf of the competent adult, if that adult becomes incapable, by reason of mental disability, of making or communicating a choice regarding a particular health care decision.

A durable power of attorney for health care shall include language which clearly communicates that the principal

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intends the designee to have the authority to make health care decisions on behalf of the principal. The durable power of attorney for health care shall also be dated, and signed by the principal and two adult witnesses who affirm that the principal was of sound mind and free from duress at the time of signing.

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